



Minneapolis Public Schools

Facilities Department, 807 Northeast Broadway, Minneapolis, MN 55413 Ph: 612/668-0300 Fax: 612/668-0275

December 30, 2008

Received &amp; Inspected

Marlene H. Dortch, Secretary  
 Federal Communications Commission  
 Office of the Secretary  
 445 12th Street, SW  
 Washington, DC 20554

JAN 8 - 2009

FCC Mail Room

Re: Request for Review for USAC SLD Notification of Commitment Adjustment Letter dated November 4, 2008: Funding Year 2005. CC Docket No. 96-45 and CC Docket No. 02-6.

Contact: Mr. Clyde Kane  
 Authorized Erate Principal  
 Minneapolis School District 1  
 807 Broadway St. N.E.  
 Minneapolis, MN 55413  
 Phone: 612-668-0281  
 Fax: 612-668-0275  
 Email: clyde.kane@mpls.k12.mn.us

Re: Form 471 Application Number 455463  
 FRN 1295726  
 Funding Year: 2005  
 Form Identifier Y8 TeleCom  
 Billed Entity Number 133625  
 FCC registration Number 0013056601  
 SPIN Name: Nextel West Corp.

We are requesting a FCC review of the SLD denial for cellular services. An appeal has been made to the SLD but as of this date we have not received a response. There are discrepancies in the opinions from the SLD as to compliance with the 60 days notice, therefore we are submitting direct to the FCC to assure our response is within 60 days.

Attachment 1 to this Letter of Appeal is a copy of the Commitment Adjustment Report for 471 application number 455463 which is reference material for the following appeal:

In the explanation we are reminded that 'FCC rules require that the applicant submits a bona fide request for services by conducting internal assessments of the components necessary to use effectively the discounted services they order, submitting a complete description of services they seek so that it may be posted for competing providers to evaluate'. We intend to demonstrate by this appeal that Minneapolis School District 1 (MPS) exceeded typical applicants' efforts to obtain a fair and competitive bid process.

1. At the time MPS completed the form 470 MPS's intent was to obtain and review vendor responses against the existing State of Minnesota cellular phone contract. The 470 was

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completed with all contract options available on the 470 at that time; month to month and seeking a contract. (Later year 470s have additional check boxes for multiyear contracts.) In other words, we were asking for all contracting options available at that time.

2. We did not receive any responses in the first week after posting the 470; past experience is that most responses occur within the first few days after posting. In fact, we never received any inquiry or submission from the 470 posting throughout the 470 to 471 process.
3. MPS determined that the State Contract was a repackaging of the Western States Contracting Alliance (WSCA) contract and we could not be assured a competitive bidding process was used to select vendors for the WSCA contract.
4. Because MPS was determined to use the utmost diligence to assure compliance with the required competitive bidding process, MPS decided to then issue a full RFP to assure a competitive process was in compliance with E-rate and MPS purchasing procedures. MPS requires additional postings over the 470 online notifications.
5. MPS advertised the RFP for two weeks in the *Finance and Commerce*, an official newspaper for Minneapolis and the common procedure for notification to bidders seeking public sector business. We also posted another 470 as a note to alert vendors that an RFP was available.
6. We actively solicited bids by researching all cellular providers and sending them the RFP. The list of vendors is the second attachment to this document. The list is virtually all cellular providers in MN, and included all the major providers.
7. We then evaluated the responses, ranked them with cost being the highest weight and selected Nextel- Sprint. If it will add clarity, we will furnish a copy of the RFP. In an ironic twist, Nextel-Sprint was also the awarded vendor for the State contract that we confirmed was competitively bid in 2005.

For your additional consideration; we could have selected any vendor of our choosing and would have been judged in compliance for erate funding because we did not receive any responses from the 470. Without the additional MPS effort of the RFP, the process would not have been competitive, it would have been a selection yet for SLD purposes would have been approved.

We would appreciate suggestions and would encourage direct contact with the reviewer to assure that MPS has an opportunity to respond in more detail. At the suggestion in the notification letter, we have kept this appeal brief, but we are prepared to discuss in as much detail as the reviewer desires.

Sincerely,



Clyde Kane,  
Authorized Erate Principal  
Minneapolis, School District 1

Attachment 1: Commitment Adjustment Report for 471 Application #455463  
Attachment 2: Cellular Providers Solicited

Received & Inspected

**Funding Commitment Adjustment Report for  
Form 471 Application Number: 455463**

**JAN 8 - 2009**

**FCC Mail Room**

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Funding Request Number:	1295726
Services Ordered:	TELCOMM SERVICES
SPIN:	143000893
Service Provider Name:	Nextel West Corp
Contract Number:	MPS 05-02
Billing Account Number:	257983318
Site Identifier:	133625
Original Funding Commitment:	\$153,075.74
Commitment Adjustment Amount:	\$153,075.74
Adjusted Funding Commitment:	\$0.00
Funds Disbursed to Date:	\$117,456.22
Funds to be Recovered from Applicant:	\$117,456.22

**Funding Commitment Adjustment Explanation:**

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. On your FY 2005 FCC Form 470 # 655210000525741 you stated that you would not be issuing a request for proposal and you did not indicate that you were looking for a multi year contract. During the course of review it was determined that you did issue a request for proposal. A copy was supplied by you during the review process which indicated that you were seeking a one year contract with 3- 1 year extensions. Also, you provided a copy of a one year contract which contained a clause allowing for 3 one year extensions. The FCC rules require that the applicant submits a bona fide request for services by conducting internal assessments of the components necessary to use effectively the discounted services they order, submitting a complete description of services they seek so that it may be posted for competing providers to evaluate and certify to certain criteria under penalty of perjury. Since you failed to provide detailed and specific information of the services sought and prevented the potential bidders from formulating their bids you violated the competitive bidding process. Accordingly, your funding commitment will be rescinded in full and USAC will seek recovery of any disbursed funds from the applicant.

**PLEASE SEND A COPY OF THIS PAGE WITH YOUR  
CHECK TO ENSURE TIMELY PROCESSING**

## **Attachment 2: Cellular Providers Solicited**

Cingular Wireless  
Erik Perschmann  
4300 Market Pointe Drive  
Bloomington, MN 55435

Sprint PCS Wireless  
7585 France Ave. S.  
Edina, MN 55435

Qwest Wireless  
Rusty Smith  
600 Stinson Blvd.  
Minneapolis, MN 55413

T-Mobile  
Pat Ponzio  
8000 West 78<sup>th</sup> Street  
# 400  
Edina, MN 55439

Nextel Communications  
Marc Meeden  
7700 France Avenue S.  
# 400S  
Edina, MN 55435

Verizon Wireless  
Jeff Olmscheid  
505 N. Highway 169  
Plymouth, MN 55441

Metrocall Wireless  
Steve Warkmack  
6121 Baker Road, # 103  
Minnetonka, MN 55345

WorldWide Wireless  
Kelly VanBaren  
2708 Highway 88  
St. Anthony, MN 55418